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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/641,184
Filing Date: August 17, 2000
Appellant(s): CRAGUN, BRIAN JOHN

Gero G. McClellan 44,227
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/03/2006 appealing from the Office action

mailed 12/29/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,535,912	ANUPAM ET AL.	3-2003
5,774,123	MATSON	6-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-28 and 33-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 6,535,912 by Anupam et al. (Anupam) in view of U.S.

Patent 5,774,123 by Matson (Matson).

With respect to **Claim 21**, Anupam teaches a computer implemented method for

use in a browser program, the method comprising:

storing for each user manipulation of a currently retrieved resource, data

indicative of such user manipulation (Col. 5 line 25 - Col. 6 line 11 describes the basic

flow, Col. 6 line 12 - Col. 7 line 49 gives a more detail description of the overall

process); and

combining a network address of a base resource and at least one data structure

indicative of user manipulation of said base resource to form a compound network

address, said compound network address suitable for retrieving a resource according to

the stored user manipulations (Col. 7 line 50 - Col. 8 line 53).

The storing of a user manipulation, including a pointer selection (Col. 4 lines 30-

44) further comprises a target network address of a second resource retrieved by the

user (Col. 7 lines 50 - Col. 8 line 53).

Anupam does not explicitly disclose storing a user manipulation using the

coordinate of a pointer selection made by a user. Matson teaches storing user

manipulations using the coordinate of a pointer selection made by a user (Col. 5 line 54

- Col. 6 line 15). The pointer selection and coordinates can also be associated with the

target address (Col. 6 lines 16-31).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Anupam and modify it as indicated

by Matson such that the method further comprises wherein at least one user

manipulation is stored using at least one coordinate of a pointer selection made by a

user, wherein the pointer selection comprises a target network address of a second

resource retrieved by the user. One would be motivated to have this, as there is need

for enhancing navigation of online resources (In Matson: Col. 1 lines 46-52).

With respect to **Claim 22**, Anupam in view of Matson teaches all the limitations of

Claim 21 and further teaches wherein said network addresses comprise uniform

resource locators (URLs) (In Anupam: Col. 7 lines 50-54).

With respect to **Claim 23**, Anupam in view of Matson teaches all the limitations of

Claim 21 and further teaches said user manipulations comprise at least one of resource

selections, line data, point device selection and keyboard data (In Anupam: Col. 7 line

50 - Col. 8 line 67).

With respect to **Claim 24**, Anupam in view of Matson teaches all the limitations of

Claim 23, wherein user manipulation comprising pointing device selections are defined

in terms of pixel coordinates (In Matson: Col. 5 line 54 - Col. 6 line 15).

With respect to **Claim 25**, Anupam teaches a uniform resource locator (URL)

embodied in a tangible computer-readable medium, comprising:

a base URL and a sequence of executable selections (Col. 7 line 50 - Col. 8 line

53);

the base URL defining a location of a resource to be retrieved (Col. 7 line 50 -

Col. 8 line 53); and

the sequence of executable selections defining a respective sequence of

navigation selections to be executed, each of the sequence of selection being executed

after a sequentially preceding selection has been executed (Col. 7 line 50 - Col. 8 line 53).

The storing of an executed selection, including a pointer selection (Col. 4 lines 30-44) further comprises a target network address of a resource retrieved by the user (Col. 7 lines 50 - Col. 8 line 53).

Anupam does not explicitly disclose storing an executed selection using the coordinate of a pointer selection made by a user. Matson teaches storing executed selections using the coordinate of a pointer selection made by a user (Col. 5 line 54 - Col. 6 line 15). The pointer selection and coordinates can also be associated with the target address (Col. 6 lines 16-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the URL disclosed by Anupam and modify it as indicated by Matson such that the URL further comprises wherein at least one executed selection is stored using at least one coordinate of a pointer selection made by a user, wherein the pointer selection comprises a target network address of a resource retrieved by the user. One would be motivated to have this, as there is need for enhancing navigation of online resources (In Matson: Col. 1 lines 46-52).

With respect to **Claim 26**, Anupam in view of Matson teaches all the limitations of Claim 25 and further teaches wherein the navigation selections comprise at least one of a URL, line data, a pointing device selection and keyboard data (In Anupam Col. 7 line 50 - Col. 8 line 67).

With respect to **Claim 27**, Anupam in view of Matson teaches all the limitations of Claim 25, further comprising a browser size filed, for storing a display window size parameter (In Matson: Col. 6 lines 32-47).

With respect to **Claim 28**, Anupam in view of Matson teaches all the limitations of Claim 25 and further teaches wherein the selection field comprises, for each of the at least one navigation selection: a content field, for storing the navigation selection; a type field for storing an indication of the type of navigation selection included within the content field; and a next record field, for identifying a next navigation selection within the sequence of navigation selections (In Anupam Col. 7 line 50 - Col. 8 line 53 and see Fig. 2 and 3).

With respect to **Claim 33**, Anupam teaches a data structure embodied in a computer readable medium, comprising:

a uniform resource locator (URL) chain header record comprising a base URL and a plurality of URL chain records (Col. 7 line 50 - Col. 8 line 53), each of the URL chain records comprising a content field for storing an executable selection, the executable selection causing a present resource to be modified (Col. 7 line 50 - Col. 8 line 53, and see Fig. 2 and 3).

The at least one URL chain record, including a pointer selection (Col. 4 lines 30-44) further comprises a target network address of a resource retrieved by the user (Col. 7 lines 50 - Col. 8 line 53).

Anupam does not explicitly disclose storing at least one URL chain record using the coordinate of a pointer selection made by the user. Matson teaches storing at least one URL chain record using the coordinate of a pointer selection made by a user (Col. 5 line 54 - Col. 6 line 15). The pointer selection and coordinates can also be associated with the target address (Col. 6 lines 16-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the data structure disclosed by Anupam and modify it as indicated by Matson such that the data structure further comprises wherein at least one URL chain record is stored using at least one coordinate of a pointer selection made by the user, wherein the pointer selection comprises a target network address of a resource retrieved by the user. One would be motivated to have this, as there is need for enhancing navigation of online resources (In Matson: Col. 1 lines 46-52).

With respect to **Claim 34**, Anupam in view of Matson teaches all the limitations of Claim 33 and further teachers the URL chain record further comprises a type field indicative of the type of executable selection included within the content field (In Anupam: Col. 7 line 50 - Col. 8 line 53 and See Fig. 2 and 3).

With respect to **Claim 35**, Anupam in view of Matson teaches all the limitations of Claim 34 and further teachers wherein the type of executable content comprises at least one of a URL, line data, a pointing device selection and keyboard data (In Anupam: Col. 7 line 50 - Col. 8 line 67).

With respect to **Claim 36**, Anupam in view of Matson teaches all the limitations of

Claim 35 and further teaches each of the URL chain records comprises a next record

field for storing a pointer to a next URL chain record within the URL chain (In Anupam:

Col. 7 line 50 - Col. 8 line 53, see fig. 2 and 3, and note Col. 13 lines 39-58).

With respect to **Claim 37**, Anupam in view of Matson teaches all the limitations of

Claim 36, wherein the URL chain header record comprises a browser size field for

storing an indication of an appropriate display window (IN Matson: Col. 6 lines 32-47).

(10) Response to Argument

Argument A:

Appellant argues the rejection of Claim 21, starting on page 10 of the appeal brief and continuing through page 12. Appellant reviews the teachings of Anupam cited by the examiner and states on page 11, "*In contrast, Claim 21 describes a <u>compound network address</u> which is formed from a network address of a base resource and a data structure indicative of user manipulation of the base resource.*" Continuing on page 12, Appellant states, "*As described above, the link traversals in Anupam do not form a network address, but are instead stored separately as steps (See, e.g., Items 202, 204, 204 in Fig. 2 of Anupam) within a smart bookmark, which itself not a network address. Accordingly Anupam does not teach the subject matter asserted by the Examiner.*"

Examiner's response to argument A:

Appellant's arguments center around the issue of a "compound network address". Particularly, appellant seems to be asserting that the smart bookmark of Anupam is not a network address, and therefore, Anupam does not teach a compound network address. However, as appellant noted, Claim 21 describes exactly how a "compound network address" is formed. Specifically, Claim 21 states,

> "combining a network address of a base resource and at least one data structure
>
> indicative of user manipulation of said base resource **to form a compound**
>
> **network address**" (emphasis added).

Based on this limitation, the examiner asserts that if a reference teaches the combination of a network address of a base resource and at least one data structure

indicative of a user manipulation of the base resource, then the reference teaches a

"compound network address" as defined by the claims. Anupam teaches the

combination of a network address of a base resource and at least one data structure

indicative of a user manipulation of the base resource. Particularly, Col. 7, lines 50-54,

specifically describes a network address of a base resource, stating, "The bookmark

begins at step 1 (201) **with the URL of the first page** at http://www-db-in/~bharat/."

Col. 7, line 54 through Col. 8 line 53, describes at least one data structure indicative of a

user manipulation of the base resource. Particularly, in the exemplary embodiment of

this section, link traversals made by the user (user manipulations) are described that

originate from the URL of the first page (base resource) and are stored as data

structures (See Fig 2 additionally). These are both combined in the form of the smart

bookmark. As such, the smart bookmark of Anupam is clearly a "compound network

address" as defined by the claim language of claim 21.

Additionally, when a smart bookmark is executed, one arrives at a network

address as dictated by the data in the smart bookmark (Col. 8 lines 6-9 in Anupam).

Therefore, in terms of scope, one could consider a smart bookmark to be a form of

network address. While this may not be the same form as the exemplary network

address described by the Appellant on the bottom of page 11 of the appeal brief and

continuing to the top of page 12, the examiner notes the claim language does not

necessarily limit the form of a network address to this exemplary form. Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Argument B:

Appellant argues the rejection of claim 25 on page 12 of the appeal brief.

Appellant argues "*As described above, in Anupam, data in the smart bookmark is stored*

as separate steps within the smart bookmark. See Anupam, Figs. 2-3, Col. 7, line 50 to

Col. 8, line 9. The data is not stored as a URL with a base URL and a sequence of

executable selections, nor is the smart bookmark a URL. See id. Accordingly, Anupam

does not teach the subject matter asserted by the examiner."

Examiner's response to Argument B:

Appellant has not provided any evidence as to how the "separate steps within the

smart bookmark" as taught by Anupam, would not be considered a sequence of

executable selections. The claim language states "a base URL and a sequence of

executable selections". As noted above, Anupam teaches a base URL. Particularly,

Col. 7, lines 50-54, specifically describes a network address of a base resource, stating,

"The bookmark begins at step 1 (201) **with the URL of the first page** at http://www-db-

in/~bharat/." In terms of "a sequence of executable selections", the claim language

states in part "the sequence of executable selections defining a respective sequence of

navigation selections to be executed, each of the sequence of selections being

executed after a sequentially preceding selection has been executed." Col. 7, line 54

through Col. 8 line 53, describes a sequence of link traversals made by the user

(sequence of navigations selections) that are recorded and stored in the smart

bookmark. It is noted that Col. 4, lines 36-37, of Anupam states that a user's button

click (pointer selection) can be recorded as well for the smart bookmark. Ultimately, the

smart bookmark is executed by executing each of the steps sequentially to arrive at the

end address based on the execution of those steps (Col. 5 lines 13-24 and Col. 8 lines

5-9). Based on this information, it is clear that Anupam teaches the base URL and

sequence of executable selections.

Appellant also argues that "*The data is not stored as a URL*" and "*nor is the

smart bookmark a URL*". The appellant appears to be referring to the preamble which

states "A uniform resource locator (URL) embodied in a tangible computer-readable

medium, comprising:". The preamble of claim 25 shows that claim 25 is presented as a

type of manufacture; a "uniform resource locator (URL)". Appellant's arguments imply

that being this type of manufacture imparts certain limitations upon the claimed subject

matter, and that the examiner has not met these supposed limitations. However,

Appellant has not identified what these limitations could be or why this type of

manufacture would necessarily give weight to such limitations. The examiner's

interpretation of the overall claim is that a type of manufacture, a URL, is presented with

the URL being comprised of the elements described in the body of the claim. In other

words, if you have all the elements that make up the body of the claim, than you have a

URL as defined by the overall claim. As such, if a reference teaches all the elements of

the body of the claim or combination of references shows that these elements are

obvious, then such teachings show the claimed type of manufacture, the URL, is

anticipated or obvious. The grounds of rejection for claim 25 establish that the

combination of Anupam and Matson renders the claimed subject mater of the body of

the claim obvious. Therefore the URL, as defined by the claim, is obvious in view of this

combination.

Argument C:

Appellant argues the rejection of Claim 33 on pages 12 and 13 of the appeal

brief. Appellant argues "*The steps, or the smart bookmark, do not form a URL chain

record header comprising a base URL and a plurality of URL chain records.*"

Examiner's response to Argument C:

The claim language of Claim 33 states "a uniform resource locator (URL) chain

header record **comprising** a base URL and a plurality of URL chain records" (emphasis

added). As noted before, Anupam teaches a base URL. Particularly, Col. 7, lines 50-

54, specifically describes a network address of a base resource, stating, "The bookmark

begins at step 1 (201) **with the URL of the first page** at http://www-db-in/~bharat/."

The next element that a URL chain record comprises of is "a plurality of URL chain

records". The "URL chain records" are further defined by the claim language, which

states "each of the URL chain records **comprising** a content field for storing an

executable selection, the executable selection causing a present resource to be

modified" (emphasis added). As described earlier, the smart bookmark stores

executable selections which can include link traversals as well as other user

manipulations and navigational selections (Col. 7, line 54 - Col. 8 line 53 - describes the

overall process of storing link traversals which applies to other selections as well such

as pointer selections - Col. 4 lines 36-37). Fig. 2 of Anupam shows that these

executable selections are stored in a particular field (202-204). The examiner considers

these fields to be within the scope of the claimed content fields. Ultimately, the smart

bookmark is executed by executing each of the steps stored in the smart bookmark

starting at a base resource (present resource) to arrive at the end resource based on

the execution of those steps (Col. 5 lines 13-24 and Col. 8 lines 5-9). Based on these

teachings, Anupam teaches "a uniform resource locator (URL) chain header record

comprising a base URL and a plurality of URL chain records" as defined by the claim

language.

Argument D:

On pages 13 and 14 of the Appeal Brief, Appellant makes additional remarks related to the response given by the examiner in the advisory action dated April 19, 2006. Appellant makes particular remarks directed towards the limitation of a "compound network address" in claim 21. Appellant also makes particular remarks in response to the examiner's statement in the advisory action of "it may be arguable that a smart bookmark is not a URL from the standard technological viewpoint."

Examiner's response to Argument D:

The examiner's response to Argument A also applies to appellant's remarks on page 13 of the appeal brief concerning the "compound network address" limitation.

In regards to the examiner's statement in the advisory, the examiner was generally referring to the official standard for a URL, RFC 1738 as appellant made arguments similar to Argument B and did not provide any specific limitations required in relation to teaching a URL. The examiner does not rely on RFC 1738 for any information, but was just stating that the smart bookmark of Anupam **may** not be a URL according to this standard. The key to the examiner's statement is that claim 25 may not be a URL according to this standard either, based on the given claim language. As noted in the response to Argument B and in the advisory action, the subject matter of the body of claim specifically defines what a URL is in accordance with Claim 25. The grounds of rejection for claim 25 establish that the combination of Anupam and Matson renders the claimed subject mater obvious. Therefore the URL, as defined by claim 25, is obvious in view of this combination.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

David Lazaro

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